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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 MILTHON ELIAS OLIVA-
16 GUERRA,
17 Defendant.
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Case No. 2:24-MJ-06908-DUTY
ORDER OF DETENTION
[Fed. R. Crim. P. 31.1(a)(6);
18 U.S.C. § 3143(a)(1)]

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20 I.
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22 On November 15, 2024, Defendant Milthon Elias Oliva-Guerra
23 (“Defendant”) appeared before the Court for initial appearance on the petition and
24 warrant for revocation of supervised release issued in this matter, Case No. 2:24-
25 MJ-06908-DUTY. The Court appointed Benjamin P. Lechman of the CJA Panel
26 to represent Defendant.

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II.

Pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a) following Defendant's arrest for alleged violation(s) of the terms of Defendant's ☐ probation / ☒ supervised release, the Court finds that:

A. ☐ Defendant submitted to the Government's Request for Detention;

B. ☒ Defendant has not carried his burden of establishing by clear and convincing evidence that he will appear for further proceedings as required if released [18 U.S.C. § 3142(b-c)]. This finding is based on:

- Nature of instant allegations involving multiple instances of non-compliance while on supervision;
- Absconding status;
- Five name variations;
- Ties to foreign country;
- Criminal history;

D. ☒ Defendant has not carried his burden of establishing by clear and convincing evidence that he will not endanger the safety of any other person or the community if released [18 U.S.C. § 3142(b-c)]. This finding is based on:

- Criminal history;
- Possession of seven firearms;
- Nature of instant allegations.

III.

In reaching this decision, the Court considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled

1 substance, firearm, explosive, or destructive device; (b) the weight of evidence
2 against the defendant; (c) the history and characteristics of the defendant; and
3 (d) the nature and seriousness of the danger to any person or the community. [18
4 U.S.C. § 3142(g).] The Court also considered the report and recommendation of
5 the U.S. Pretrial Services Agency.

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7 IV.

8 IT IS THEREFORE ORDERED that Defendant be detained until trial. The
9 defendant is remanded to the custody of the U.S. Marshal for forthwith removal to
10 the Southern District of California. The defendant will be committed to the
11 custody of the Attorney General for confinement in a corrections facility separate,
12 to the extent practicable, from persons awaiting or serving sentences or being held
13 in custody pending appeal. The defendant will be afforded reasonable opportunity
14 for private consultation with counsel. On order of a Court of the United States or
15 on request of any attorney for the Government, the person in charge of the
16 corrections facility in which defendant is confined will deliver the defendant to a
17 United States Marshal for the purpose of an appearance in connection with a court
18 proceeding. [18 U.S.C. § 3142(i).]

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21 Date: November 15, 2024

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24 MARIA A. AUDERO
25 UNITED STATES MAGISTRATE JUDGE
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